

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 MARCUS CARUSO,

4 Plaintiff

5 v.

6 MADISON ADVANCE LLC, et al.,

7 Defendants

Case No.: 2:25-cv-00888-APG-MDC

**Order (1) Granting Motion to Dismiss and
(2) Denying Motions for Temporary
Restraining Order and Preliminary
Injunction**

[ECF Nos. 6, 7, 20]

8 Madison Advance LLC moves to dismiss this case because its contract with Marcus
9 Caruso, which is the subject of this dispute, states that any lawsuit arising under that contract, or
10 asserting the “interpretation, performance or breach” of the contract, must be brought “in any
11 court sitting in New York” ECF No. 20 at 9. Caruso has not filed an opposition to the
12 motion, and the time to do so has expired. Under this court’s Local Rule 7-2(d): “The failure of
13 an opposing party to file points and authorities in response to any motion . . . constitutes a
14 consent to the granting of the motion.” In addition, the motion asserts good cause for this suit to
15 be dismissed because the dispute must be litigated in New York.

16 I THEREFORE ORDER that Madison Advance’s motion to **dismiss (ECF No. 20) is**
17 **granted**. The complaint is dismissed without prejudice to Caruso bringing his claims in the
18 appropriate New York court.

19 I FURTHER ORDER that Caruso’s motions for temporary restraining order and
20 preliminary injunction **(ECF Nos. 6, 7) are denied** as moot.

21 I FURTHER ORDER the Clerk of Court to close this file.

22 DATED this 16th day of October, 2025.

23 
ANDREW P. GORDON
CHIEF UNITED STATES DISTRICT JUDGE